

## IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0629

ORIGINAL

BARRY ALONZO HEATH,

Petitioner and Appellant,

v.

STATE OF MONTANA,

Respondent and Appellee.

FILED

JAN 23 2010

Ed Smith  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA**MOTION FOR EXTENSION OF TIME**

COMES NOW, Lisa S. Korchinski, counsel of record for Defendant and Appellant, and respectfully requests an extension of time until March 1, 2010, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. This is Appellant's first extension request for the opening brief. Opposing counsel has been contacted concerning this motion and does not object.

DATED this 21 day of January, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER  
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P.O. Box 200145  
Helena, MT 59620-0145

By: \_\_\_\_\_  
LISA S. KORCHINSKI  
Assistant Appellate Defender

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and accurate copy of the foregoing

Motion for Extension of Time to be mailed to:

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DATED: 4/1/2011 Steve Bullock